



January 3, 2007

SUBJECT: WIC Policy Memorandum #2007-1
Certification and Monthly Food Benefits Issuance Cycles
and Reporting Monthly Participation on the FNS-798

TO: Regional Directors
Supplemental Food Programs
All Regions

This policy memorandum provides clarification of several program requirements regarding certification and monthly food benefits issuance cycles and reporting monthly participation on the WIC Financial Management and Participation Report (FNS-798).

PARTICIPATION VS. ENROLLMENT

Program regulations at 7 CFR 246.2 state: "*Participation* means the sum of the number of persons who have received supplemental foods or food instruments during the reporting period and the number of infants breastfed by participating breastfeeding women (and receiving no supplemental foods or food instruments) during the reporting period." Although a person may be certified to receive food benefits (i.e., enrolled in the Program) during a report month, she is not considered a "participant" under program regulations unless she obtains (i.e., takes possession of) her monthly supplemental foods or food instruments. An enrollee does not have to transact her food instruments to be counted as a participant on the FNS-798, but she must either pick up her food instruments or receive them through the mail to be counted. If an enrollee's food instruments are either not picked up or returned in the mail, then the State agency must not count her as a participant for the corresponding report month(s) on the FNS-798. In an electronic benefits transfer (EBT) system, an enrollee is counted as a participant when food benefits either are loaded to the EBT card or become available to the EBT account.

The distinction between an enrollee and a participant is particularly important for breastfeeding women. All infants, including breastfed infants, who receive supplemental foods or food instruments during a report month are counted as participants on the FNS-798. However, as noted above, breastfed infants who receive no supplemental foods or food instruments are only counted as participants for the report months in which their mothers are counted as breastfeeding women participants. If an enrolled breastfeeding woman does not obtain her supplemental foods or food instruments during a report month, then neither she nor her breastfed infant(s) who receives no supplemental food or food instruments may be counted as a participant on the FNS-798.

REPORT MONTH FOR THE FNS-798

Program regulations at 7 CFR 246.25(b)(1)(i) state: "State agencies must submit financial and program performance data on a monthly basis, as specified by FNS, to support program management and funding decisions. Such information must include, but may not be limited to: (A) Actual and projected participation ...". Furthermore, regulations at 7 CFR 246.2 state: "*Fiscal year* means the period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following calendar year." The need for Federal fiscal year data by *calendar* month is essential to the Federal budget and appropriations processes as well as to the Federal financial management system. Although State governments may operate on a State fiscal year, such as July 1 – June 30, that is different from the Federal fiscal year, State agencies are required by their Federal/State agreements to administer the WIC Program in accordance with the Federal fiscal year.

Similarly, although program regulations allow State agencies to certify participants and issue monthly food benefits on a cycle, such as a rolling-month cycle, that is different from the calendar-month cycle, State agencies must report program data by calendar month. For State agencies that use a rolling-month cycle, the report month for the FNS-798 is the calendar month of the *first date of use* of a participant's monthly food benefits. For example, a participant receiving food benefits for the May 15 – June 14 rolling month of her certification period is reported as a May participant on the FNS-798, provided she obtains these food benefits by May 31. If she does not obtain her May 15 – June 14 food benefits until June 3 and their first date of use is June 3, then she is reported as a June participant on the FNS-798. Although a participant may receive two issuances of monthly food benefits with a first date of use (e.g., June 3 and June 15) during the same report month (e.g., June), the State agency is only permitted to report her as one participant for that report month on the FNS-798. Under no circumstances is the State agency permitted to count a participant twice during the same report month or to count a participant for the report month prior to the calendar month during which she is initially certified.

CERTIFICATION PERIODS FOR MONTHLY FOOD BENEFITS

Program regulations at 7 CFR 246.7(g)(1) state: "Program benefits will be based upon certifications established in accordance with the following timeframes," and then set forth the certification timeframes for the five categories of participants—pregnant women, postpartum women, breastfeeding women, infants, and children. Furthermore, regulations at 7 CFR 246.10(c) specify the "maximum quantity of supplemental foods authorized per month" for the seven types of food packages. Taken together, these regulations establish that a participant's food benefits are attached to the months of her certification period. A participant is certified for a specific number of months, and a maximum quantity of supplemental foods is authorized for each month of the certification period, regardless of whether the

month is a calendar month (e.g., May 1-31) or a rolling month (e.g., May 15 – June 14).

All categories of participants are eligible to receive food benefits until the last day of the month during which the infant/child reaches a specific age. Consequently, all participants are eligible for a full-month's food benefits for their final month of eligibility, regardless of whether the final month is a calendar month or a rolling month. A participant on a rolling-month cycle is not eligible for food benefits for the portion of the calendar month after her final-month's food benefits. For example, if a child participant on a 17th – 16th monthly cycle reaches five years old on November 15th, her final-month's food benefits are for the period October 17 – November 16, and she is not eligible for food benefits for the period November 17-30.

Program regulations at 7 CFR 246.7(g)(1)(iv) state: "An infant will be certified approximately every six months. The State agency may permit its local agencies to certify an infant under six months of age up to the last day of the month in which the infant turns 1 year old ..." Under this provision, the State agency has the discretion to certify infants for certification periods that continue through the transition from infancy to childhood. For example, a State agency may certify an eight-month-old infant for a six-month certification period that extends into the first two months of her childhood. For certification periods covering a participant's transition from infancy into childhood, the State agency must provide the participant with an infant food package and report her as an infant participant on the FNS-798 through the calendar month or rolling month during which she reaches one year old. Beginning with the following month, the State agency must change the category of the participant from infant to child, provide her with a child food package, and report her as a child participant on the FNS-798.

PRORATION OF FOOD BENEFITS

Program regulations at 7 CFR 246.7(f)(2)(iv) state: "Each local agency using a retail purchase system shall issue a food instrument(s) to the participant at the same time as notification of certification. Such food instrument(s) shall provide benefits for the current month or the remaining portion thereof and shall be redeemable immediately upon receipt by the participant." Although this provision gives the State agency the discretion to provide participants with either a full or a prorated initial-month's food benefits, it only permits the State agency to provide participants with an initial-month's food benefits for the current month (i.e., the current *report/calendar* month), because participants are not eligible to receive program benefits for the calendar month prior to the month in which they are certified. Consequently, the State agency is prohibited from providing participants with an initial-month's food benefits that include any portion of the previous calendar month.

This prohibition against providing food benefits for any portion of the previous month has no impact on State agencies using a calendar-month certification and issuance system, because participants' initial-month's food benefits are always for the current calendar month, regardless of whether the State agency opts to prorate its participants' initial-month's food benefits. For example, a participant who is certified on March 17 may receive either a full-month's (i.e., March 1-31) or a prorated-month's (i.e., March 17-31) food benefits for the initial month of her certification period.

In a rolling-month system, participants' certification and issuance cycles are typically determined by their certification dates. For example, a participant who is certified on March 5 is assigned a 5th – 4th monthly cycle, whereas a participant certified on March 17 has a 17th – 16th cycle. For administrative efficiency and participant convenience, State agencies usually attempt to synchronize the appointment scheduling and monthly food benefits issuances of participants within the same family. A newly certified participant's monthly cycle is not automatically in sync with another participating family member's cycle, unless she is certified on the first day (e.g., March 10) of the family member's cycle (e.g., 10th – 9th). In most cases, a participant is certified either before or after a participating family member's cycle. If the participant is certified *after* the other family member's cycle, the State agency can easily synchronize her monthly cycle with the family member's cycle, regardless of whether the State agency opts to prorate its participants' initial-month's food benefits. For example, a newborn infant certified on April 20, whose participating mother is on a 15th – 14th rolling-month cycle, may receive either a full initial-month's food benefits (i.e., April 15 – May 14) or a prorated initial-month's food benefits (i.e., April 20 – May 14) and be in sync with her mother's cycle.

If a participant is certified *before* a participating family member's rolling-month cycle, the State agency must prorate her initial-month's food benefits to synchronize her monthly cycle with the family member's cycle, because the participant is not eligible to receive food benefits for any portion of the calendar month prior to the month during which she is certified. If her initial-month's food benefits are not prorated, then the State agency must assign her a monthly cycle that begins on her date of certification, which will not be in sync with the other family member's cycle. For example, a newborn infant, who is certified on April 5 and whose participating mother is on a 15th – 14th monthly cycle, may receive a prorated initial-month's food benefits (i.e., either April 1-14 or April 5-14) and be in sync with her mother's cycle on the next monthly issuance (i.e., April 15 – May 14). The State agency is prohibited from providing the infant with a full initial-month's food benefits that corresponds to her mother's March issuance (i.e., March 15 – April 14) because the infant is not eligible to receive March food benefits (i.e., March 15-31). If the State agency opts *not* to prorate its food benefits, then the State agency must provide the infant with a full initial-month's food benefits (i.e., April 5 – May 4) and assign her a rolling-month's cycle (i.e., 5th – 4th) that is not in sync with her mother's cycle (i.e., 15th – 14th). As an alternative, the State agency and participant

may agree for administrative efficiency and participant convenience to delay the participant's date of certification (e.g., from April 5) until the beginning of the participating family member's next cycle (e.g., to April 15) to synchronize their cycles (e.g., 15th – 14th) without prorating the newly certified participant's initial-month's food benefits (e.g., April 15 – May 14). Such delay is permitted, provided the application is processed within the timeframes required by 7 CFR 246.7(f)(2)(iii).

OVERLAPPING VALID DATES OF MONTHLY FOOD BENEFITS

Regulations at 7 CFR 246.12(f)(2)(iii) state: "The last date on which the food instrument may be used ... must be a minimum of 30 days from the first date on which it may be used, except for the participant's first month of issuance, when it may be the end of the month or cycle for which the food instrument is valid." Under this provision, State agencies using a calendar-month system have the discretion to set the *last date of use* for a participant's initial-month's food benefits as the last day of the calendar month of her certification rather than 30 days from the first date of use. Similarly, State agencies using a rolling-month system may set the last date of use for a participant's initial-month's food benefits as the last day of another participating family member's cycle to synchronize their cycles. By shortening the period that participants' initial-month's food benefits are valid, the State agency can ensure that there are no overlapping valid dates between its participants' initial-month's food benefits and their second-month's food benefits.

This 30-day minimum requirement was intended to allow participants to have an entire month to transact their monthly food benefits. An unintended consequence of this requirement is that participants' February food benefits must be valid for 30 days, resulting in a required two-day overlap (a one-day overlap in a leap year) during which both their February and March food benefits are valid for transaction. For example, in a calendar-month system, participants' February food benefits are valid from February 1 – March 2 (i.e., 30 days) and their March food benefits are valid from March 1-31, resulting in a two-day overlap (i.e., March 1-2) of the valid dates of their February and March food benefits. This two-day overlap also occurs in rolling-month systems.

The 30-day minimum requirement at 7 CFR 246.12(f)(2)(iii) was not intended to prevent the State agency from ensuring that none of its participants' monthly food benefits have overlapping valid dates. Consequently, this policy memorandum clarifies that the State agency is permitted to shorten the period that its participants' February food benefits are valid to a minimum of 28 days (29 days during a leap year) from their first date of use. This clarification still provides participants with the entire month to transact their February food benefits.

OVERISSUANCE OF FOOD BENEFITS

As noted above, program regulations permit overlapping valid dates of a participant's monthly food benefits. Consequently, the occurrence of overlapping valid dates on a participant's food instruments does not indicate that the State agency has overissued food benefits to the participant. Overissuance of food benefits occurs when: (1) a participant is provided an initial-month's food benefit that includes any portion of the calendar month prior to the month of her certification; (2) a participant is provided food benefits during any month of her certification period that exceed the maximum quantities of supplemental foods permitted under 7 CFR 246.10(c); or (3) a participant is provided with food benefits for any period for which she has already received food benefits or is not eligible or certified to receive food benefits. Although the valid dates of a participant's monthly food benefits may overlap, program regulations do not permit the months of a participant's certification period(s) to overlap, regardless of whether the participant is certified for a period of calendar months or rolling months.

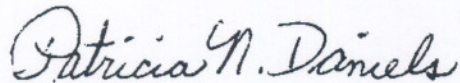
Regulations at 7 CFR 246.7(g)(3) state: "In cases where there is difficulty in scheduling appointments for [breastfeeding women, infants, and children], the certification period may be shortened or extended by a period not to exceed 30 days." The intent of this provision was to provide the State agency with the flexibility to shorten or extend certification periods by one month to address difficulties in scheduling clinic visits and other health care services. For example, in a situation in which a clinic is closed for several days due to inclement weather, the local agency may need to reschedule its cancelled recertification appointments for the following month, extend these participants' current certification periods by one month, and mail the additional month's food benefits to the participants. The 30-day maximum requirement was not intended to prevent the State agency from shortening or extending certification periods for a month that has 31 days. Consequently, this policy memorandum clarifies that under 7 CFR 246.7(g)(3) the State agency is permitted to shorten or extend the certification periods of participants by a period not to exceed one month, including those months that have 31 days (i.e., January, March, May, July, August, October, and December).

This 30-day maximum requirement also was not intended to allow the State agency to shorten a certification period by a number of days in order to recertify a participant for a period of time for which she has already received food benefits. For example, a participant who has received her May 15 – June 14 food benefits for the final month of her rolling-month certification period may request to be recertified on June 4. If the State agency shortens her certification period by 10 days, certifies her for a 4th – 3rd rolling-month cycle, and issues her a June 4 – July 3 initial-month's food benefits, then the State agency has over issued food benefits for June 4-14, because the participant has already received food benefits for that period. The State agency has a variety of options to avoid overissuing food benefits to participants who request to be recertified before the end of their current certification

periods, including deferring their new certification until the beginning of the subsequent month or cycle when they become eligible for additional food benefits.

EFFECTIVE DATE FOR IMPLEMENTATION

This memorandum is effective upon issuance. State agencies that have questions about the implementation of this policy should contact their FNS Regional Offices for assistance.

A handwritten signature in cursive script that reads "Patricia N. Daniels".

PATRICIA N. DANIELS
Director
Supplemental Food Programs Division